

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 376**

Citations Affected: IC 20-8.1; IC 34-30-14-6.

Synopsis: School discipline policies. Provides that a school corporation's discipline policy must allow a student with an acute or chronic disease or medical condition to possess and self-administer medication that must be administered on an emergency basis while the student is on school grounds or off school grounds at a school activity, function, or event if the student's parent files an annual authorization that includes a written statement from the student's physician for the student to self-administer the medication. Prohibits a school from sending medication home with a student. Specifies individuals to whom medication may be released. Allows a school to send medication home with a high school student if the student's parent has given written permission. Provides that a school or school board is not civilly liable for damages as a result of self-administration in compliance with the law except for gross negligence or willful and wanton misconduct. Requires a school superintendent or designee to immediately notify law enforcement authorities if a student brings a firearm or bomb onto school property or is in possession of a firearm or bomb on school property. Provides that the superintendent or superintendent's designee may give similar notice if a deadly weapon other than a firearm or bomb is involved. Requires a law enforcement agency that receives notice from a superintendent to investigate and take appropriate action. Removes a requirement that the superintendent notify the county prosecutor in similar situations. (This conference committee report removes a provision concerning the evaluation of school principals and adds a provision concerning students who bring firearms, bombs, or other deadly weapons to school.)

Effective: July 1, 2001.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 376 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, delete lines 1 through 9.
- 2 Page 2, between lines 19 and 20, begin a new paragraph and
- 3 insert:
- 4 "SECTION 3. IC 20-8.1-5.1-10 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) As used in this
- 6 section, "firearm" has the meaning set forth in IC 35-47-1-5.
- 7 (b) **As used in this section, "bomb" has the meaning set forth**
- 8 **in IC 35-41-1-4.3.**
- 9 (c) As used in this section, "deadly weapon" has the meaning set
- 10 forth in IC 35-41-1-8. The term does not include a firearm **or bomb**.
- 11 ~~(c)~~ (d) Notwithstanding section 14 of this chapter, a student who
- 12 is:
- 13 (1) identified as bringing a firearm **or bomb** to school or on
- 14 school property; or
- 15 (2) in possession of a firearm **or bomb** on school property;
- 16 must be expelled for a period of at least one (1) calendar year, with the
- 17 return of the student to be at the beginning of the first school semester
- 18 after the end of the one (1) year period.
- 19 ~~(d)~~ (e) The superintendent may, on a case-by-case basis, modify
- 20 the period of expulsion under subsection ~~(c)~~ (d) for a student who is
- 21 expelled under this section.
- 22 ~~(e)~~ (f) Notwithstanding section 14 of this chapter, a student who

1 is:

2 (1) identified as bringing a deadly weapon to school or on school
3 property; or

4 (2) in possession of a deadly weapon on school property;
5 may be expelled for a period of not more than one (1) calendar year.

6 ~~(f)~~ **(g)** A superintendent **or the superintendent's designee** shall
7 **immediately** notify the ~~prosecuting attorney of the county in which~~
8 **appropriate law enforcement agency having jurisdiction over the**
9 **property where** the school is located if a student is ~~expelled under~~
10 **engages in a behavior described in** subsection ~~(e)~~ **or (e): (d). The**
11 **superintendent may give similar notice if the student engages in a**
12 **behavior described in subsection (f).** Upon receiving notification
13 under this subsection, the ~~prosecuting attorney~~ **law enforcement**
14 **agency** shall begin an investigation and take appropriate action.

15 ~~(g)~~ **(h)** A student with disabilities (as defined in IC 20-1-6.1-7)
16 who possesses a firearm on school property is subject to procedural
17 safeguards under 20 U.S.C. 1415".

18 Page 3, delete line 7.

19 Renumber all SECTIONS consecutively.

(Reference is to ESB 376 as printed April 9, 2001.)

Conference Committee Report
on
Engrossed Senate Bill 376

Signed by:

Senator Wyss
Chairperson

Representative Brown C

Senator Sipes

Representative Frizzell

Senate Conferees

House Conferees